

RESOLUTION NO. 2021-42

Bullock, Kepple, Litten, Neff, O'Malley, Rader,  
Shachner  
BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, approving the use of submerged lands for property located at and abutting 1033 Summit Avenue, Lakewood, Ohio (a legal description of which is attached hereto as "Exhibit A"), in order to permit the owners the opportunity to undertake lakeshore protection measures.

WHEREAS, property owners, Trinity and Austin Samsom, have proposed to construct shoreline protection in Lake Erie at Lakewood, Cuyahoga County, Ohio; and

WHEREAS, as part of the application to lease submerged lands, the parties involved must submit to the Ohio Department of Natural Resources a resolution from Lakewood City Council approving the proposed use of the submerged land; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that this submerged lands lease is necessary for the improvements to be made; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood finds and determines that territory being proposed for construction of shore protection, which territory is further described in the application for a submerged lands lease, is not necessary or required for the construction, maintenance or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting waterways, water terminals, facilities and improvements, and marginal highways in the aid of navigation and water commerce, and the land uses specified in the application comply with regulation of permissible land use as determined by the city.


Section 2. The Clerk of Council is hereby authorized and directed to certify a copy of this resolution to the Ohio Department of Natural Resources, Office of Real Estate and Land Management.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

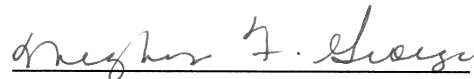
Section 4. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 9/7/2021

  
Daniel J. O'Malley, Council President

  
Maureen M. Bach, Council Clerk

Approved: 9/8/21

  
Meghan F. George, Mayor

**Samson Residence  
Submerged Land Lease  
0.0403 Acre  
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**Situated** in the City of Lakewood, County of Cuyahoga and State of Ohio, and known as being submerged land within Lake Erie adjacent to part of Block "A" in C.L. and L.R. Newell's Subdivision of part of Original Rockport Township Section No. 22, (Fractional Township 7-N Range 14-W Connecticut Western Reserve) as recorded in Volume 22, Page 5 of the Cuyahoga County Map Records. Also being adjacent to the land conveyed to Trinity Kronk Samson and Austin T. Samson, as recorded in AFN 201910100590 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a 7/8" iron pin found in a monument box at the intersection of the centerline of Summit Avenue (60 feet wide) and the centerline of Clifton Boulevard (120 feet wide);

Thence, along the centerline of Summit Avenue, North 00° 40' 47" East, 1106.50 feet to the centerline of Edgewater Drive, said point bearing North 89° 19' 13" West, 30.00 feet from a 7/8" iron pin found in a monument box;

Thence, continuing along the centerline of Summit Avenue, North 00° 40' 47" East, 239.30 feet to the 2011 natural shoreline of Lake Erie;

Thence, leaving the centerline of Summit Avenue, along the 2011 natural shoreline of Lake Erie, North 88° 33' 38" East, 21.41 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, leaving the 2011 natural shoreline of Lake Erie, along the natural shoreline of Lake Erie as observed on May 31, 2019, North 88° 33' 38" East, 8.61 feet to the littoral rights partition line between Summit Avenue and said land conveyed to Trinity Kronk Samson and Austin T. Samson;

Thence, continuing along the natural shoreline of Lake Erie as observed on May 31, 2019, North 88° 22' 03" East, 4.53 feet;

Thence, continuing along the natural shoreline of Lake Erie as observed on May 31, 2019, South 87° 18' 01" East, 9.54 feet to the **True Point of Beginning** for the parcel herein described;

Thence, leaving said natural shoreline of Lake Erie as observed on May 31, 2019, along the arc of a non-radial curve that deflects to the left, 26.42 feet, said curve having a radius of 32.20 feet, a central angle of 47° 01' 07", and a chord of 25.69 feet which bears North 21° 56' 21" West;

Thence, North 77° 22' 01" East, 3.20 feet;

Thence, North 87° 19' 09" East, 19.98 feet;

Thence, South 84° 00' 01" East, 41.19 feet;

Thence, along the arc of a radial curve that deflects to the right, 16.90 feet, said curve having a radius of 12.51 feet, a central angle of 77° 25' 02", and a chord of 15.64 feet which bears South 45° 17' 30" East;

Thence, South 00° 07' 27" East, 7.42 feet to the littoral rights partition line between said land conveyed to Trinity Kronk Samson and Austin T. Samson and land conveyed to Joseph B. Jerome as recorded in AFN 200507280610 of the Cuyahoga County Records;

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Thence, along said littoral rights partition line, South 03° 25' 59" West, 11.35 feet to the natural shoreline of Lake Erie as observed on May 31, 2019;

Thence, along the natural shoreline of Lake Erie as observed on May 31, 2019, following six courses;

North 70° 31' 26" West, 1.35 feet;

Thence, North 79° 27' 14" West, 26.06 feet;

Thence, North 60° 43' 46" West, 1.20 feet;

Thence, South 89° 59' 05" West, 3.84 feet;

Thence, North 78° 21' 09" West, 17.89 feet;

Thence South 86° 58' 07" West, 15.62 feet to the point of beginning.

Containing within said bounds 0.0403 acre (1757 square feet) of submerged land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2019 and May, 2021

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

*T. A. Bixler* 6-23-21

Trevor A. Bixler, P.S.  
Professional Surveyor, Ohio No. 7730

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